

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRIAN DAVIS, individually and
on behalf of all others similarly situated,

Plaintiffs,

vs.

DELTA AIRLINES, INC., a foreign
corporation; and DOES 1-20, as yet unknown
Washington entities,

Defendants.

Case No. 2:24-cv-00954-KKE

**JOINT STIPULATION AND
[PROPOSED] ORDER TO STAY
PROCEEDINGS**

**NOTE ON MOTION CALENDAR:
November 19, 2024**

STIPULATION

The Parties, by and through their undersigned counsel, hereby STIPULATE to respectfully ask the Court to exercise its inherent power to control its docket and enter an Order staying this case pending the Washington Supreme Court's consideration of the question certified in *Branson v. Washington Fine Wines & Spirits, LLC*, No. 2:24-CV-00589-JHC, 2024 WL 4510680, at *1 (W.D. Wash. Aug. 20, 2024), for the following reasons:

1. A question relevant to this case has recently been certified to the Washington Supreme Court, the ruling for which may have a dispositive outcome for this action. *See Branson v. Washington Fine Wines & Spirits, LLC*, No. 2:24-CV-00589-JHC, 2024 WL 4510680, at *1

(W.D. Wash. Aug. 20, 2024). In *Branson*, U.S. District Court Judge John Chun certified to the Washington Supreme Court the question of what constitutes an “applicant” for purposes of the EPOA. Specifically, in August 2024, Judge Chun certified the following question to the Washington Supreme Court: “What must a plaintiff prove to be deemed a ‘job applicant’ within the meaning of RCW 49.58.110(4)? For example, must they prove that they are a ‘bona fide’ applicant?” The Washington State Supreme Court has accepted review of the certified question, and oral argument is scheduled for February 13, 2025.

2. The parties accordingly request a stay pending the Washington Supreme Court’s consideration of the certified question. This joint request is made in good faith, with a commitment to diligently pursue efforts toward resolution following the lifting of the stay.

3. The parties agree to provide a status report within 14 days after the Washington Supreme Court’s decision regarding the certified question.

DATED this 19th day of November, 2024.

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[PROPOSED] ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Stay Proceedings. Having considered the Motion, as well as the other files and records in this case, IT IS HEREBY ORDERED that the Court GRANTS the Motion.

1. This case is stayed pending the Washington Supreme Court's consideration of the question certified in *Branson v. Washington Fine Wines & Spirits, LLC*, No. 2:24-CV-00589-JHC, 2024 WL 4510680, at *1 (W.D. Wash. Aug. 20, 2024).

2. The parties are ordered to provide a status report within 14 days after the Washington Supreme Court's decision regarding the certified question.

DATED: _____, 2024.

THE HONORABLE KYMBERLY K. EVANSON
UNITED STATES DISTRICT JUDGE

Presented by:

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